



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,915	11/03/2003	Joachim Worm	MTL-004	3870

29626 7590 10/31/2005  
THE H.T. THAN LAW GROUP  
WATERFRONT CENTER SUITE 560  
1010 WISCONSIN AVENUE NW  
WASHINGTON, DC 20007

EXAMINER
----------

BAREFORD, KATHERINE A

ART UNIT	PAPER NUMBER
----------	--------------

1762

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/699,915

Applicant(s)

WORM, JOACHIM

Examiner

Katherine A. Bareford

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-17, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.
- claims 18-19 are canceled*

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 17, 2005 has been entered.

The amendment filed with the RCE submission of October 17, 2005 has been received and entered. After the amendment, claims 1-17 and 20-21 are present for examination, and claims 18-19 have been canceled.

### *Claim Objections*

2. Claim 21 is objected to because of the following informalities: in claim 21, line 1, step "d)" is referred to where the "base material is uncovered when heated". However, step "d)" in claim 9, from which claim 21 depends, is the applying of sand step. Apparently the referred to heating step should be step "f)".

Appropriate correction is required.

3. Claims 20 and 21 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Art Unit: 1762

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 20 and 21 require that the "base material is uncovered when heated", apparently referring to the heating step that occurs after the application of the resin and sand. As a result, the base material would necessarily be "covered" with the resin/sand prior to heating and claims 20 and 21 are contradictory (and thus, not further limiting) to what is required by the parent claims. If applicant is referring to the already coated base material as being not further covered, the claims are also contradictory and not further limiting because, as required by the parent claims, the coated base material passes into an oven for heating, and therefore, the coated base material is "covered" by the oven, and thus claims 20 and 21 are contradictory to what is required by the parent claims.

*Claim Rejections - 35 USC § 112*

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. The rejection of claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement is withdrawn due to applicant's amendments to claims 1 and 9 to clarify what causes the anti-slip property.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 20-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 20 and 21 require that the "base material is uncovered when heated", apparently referring to the heating step that occurs after the application of the resin and sand. As a result, the base material would necessarily be "covered" with the resin/sand prior to heating and claims 20 and 21 are contradictory to what is required by the parent claims. If applicant is referring to the already coated base material as being not further covered, the claims are also confusing and contradictory because, as required by the parent claims, the coated base material passes into an oven for heating, and therefore, the coated base material is "covered" by the oven, and thus claims 20 and 21 are contradictory to what is required by the parent claims.

*Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-2, 5 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 496 545 A2 (hereinafter '545) in view of Toth (US 4243696).

'545 teaches a method of continuous production of a glass fiber reinforced resin plate. Figures 5 and 7 and column 1, lines 5-10 and column 2, lines 20-45. The formed plate can be coated with resin materials and filler. Column 2, lines 54-60 and column 6, lines 5-25. The method includes bonding of resin and glass fibers by heating to form a plate like base material. Column 4, lines 20-55. The base material is cooled after initial heating, forming a partially cured (or gelatinized) base material. Figures 5 and 7 and column 4, line 45 through column 5, line 20 (the heated material is removed from the first oven to a spot where the coating occurs, thus cooling will occur as the material passes through the unheated zone). The surface of the base material which is to be coated is not yet completely hardened. Column 6, lines 10-20. Then a mixture of resin material and filler can be applied to the not yet hardened top surface. Column 2, lines 54-60 and column 6, lines 15-25 and figure 5. The coated base material is then heated in an oven to fully cure the material. Column 6, lines 20-40. '545 teaches that well known filler particles can be silica, feldspar or glass bubbles. Column 6, lines 55-60.

Claim 7: the heating at step (d) can be to 240 to 300 degrees F, or 115 to 148 degrees C. Column 5, lines 35-50.

Claim 8: The base material can be initially covered by a film on the surface that is to be coated, and that film can be pulled off from the base material before the coating steps. Figure 1 and column 5, lines 1-10 and column 6, lines 5-15.

'545 teaches all the features of these claims except (1) that the specific filler and particulate materials are sand, (2) that the same type of resin is used in steps (a) and (c) (claim 2), (3) the cool down temperature (claim 5), (4) the precise temperature of the heating step (claim 7) and (5) that the applied coating has anti-slip properties (claim 1).

However, Toth teaches that it is desirable to form non-slip coatings on various surfaces. Column 1, lines 5-25. Toth teaches that a surface is provided with an initial base coat of resin. Column 4, lines 30-50. Then a coating that is a mixture of particle and resin is applied to the surface. Column 3, lines 60-68 and column 4, line 60 through column 5, lines 25. The particles can be silica sand, for example. Column 5, lines 15-20. After application the resin particle mixture is heated to cure, and heating can occur in an oven. Column 3, lines 55-68. As shown by Toth, the applied resin/sand mixture can be heated while uncovered. See figures 1C and 1D and column 3, lines 60-65.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '545 to (1) use sand as the filler or particulate material with an expectation of desirable coating and product results, because '545 teaches using filler or particulate material, and that such filler or particulate material can be silica, and it is well known that sand is primarily silica material. (2) It would further have been obvious to modify '545 to use the same type of resin in steps (a) and (c) with an

Art Unit: 1762

expectation of desirable coating and product results, because '545 teaches that the resin of step (a) can be polyester or other resins (column 4, lines 5-15) and that the resin of step (c) can be selected from a variety of compounds (column 2, lines 55-60 and column 6, lines 15-20), and one of ordinary skill in the art would understand that the resins could be either the same or different based on the product desired given the wide ranges taught. (3) It would further have been obvious to perform routine experimentation to optimize '545 to find the optimum cool down temperature at which the resin/filler coating is applied given the teaching by '545 of using a range of temperatures in the first oven and to control to provide only a partial cure, which would vary based on the resin material used (column 4, lines 30-55). (4) It would further have been obvious to perform routine experimentation to optimize '545 to select the optimum temperature of the curing in the second oven from the range given the teaching by '545. (5) It further would have been obvious to modify '545 to use the resin/particle mixture to apply a coating with anti-slip properties as suggested by Toth with an expectation of providing a desirable coated surface, because '545 teaches a method of providing a desirable resin particle mixture on a surface, and Toth teaches that a resin particle mixture can be applied to a resin coated surface and then cured to provide desirable anti-slip properties on a surface.

10. Claims 9-11, 14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 496 545 A2 (hereinafter '545) in view of Miller, Jr. et al (US 4689259).

Claim 9: '545 teaches a method of continuous production of a glass fiber reinforced resin plate. Figures 5 and 7 and column 1, lines 5-10 and column 2, lines 20-45. The plate can be coated with resin materials and filler. Column 2, lines 54-60 and column 3, lines 5-10 and column 7, lines 15-25. The method includes bonding of resin and glass fibers by heating to form a plate like base material. Column 4, lines 20-55. The base material is cooled after initial heating, forming a partially cured (or gelatinized) base material. Figures 5 and 7 and column 4, line 45 through column 5, line 20 (the heated material is removed from the first oven to a spot where the coating occurs, thus cooling will occur as the material passes through the unheated zone). The surface of the base material which is to be coated is not yet completely hardened. Column 6, lines 10-20. Then a resin material can be applied to the not yet hardened top surface. Column 2, lines 54-60 and column 6, lines 15-25. Then particles, such as silica, can be applied to the not yet hardened surface. Column 7, lines 15-25 and column 6, lines 40-60. The applied particles can be rolled into the curable layer. Figure 7 and column 6, lines 50-55. The coated base material is then heated in an oven to fully cure the material. Column 7, lines 1-15.

Claim 10: the steps described above can be carried out in that sequence. See column 7, lines 15-25.

Claim 16: the heating at step (d) can be to 240 to 300 degrees F, or 115 to 148 degrees C. Column 5, lines 35-50.

Claim 17: The base material can be initially covered by a film on the surface that is to be coated, and that film can be pulled off from the base material before the coating steps. Figure 1 and column 5, lines 1-10 and column 6, lines 5-15.

'545 teaches all the features of these claims except (1) that the specific filler and particulate materials are sand, (2) that the same type of resin is used in steps (a) and (c) (claim 11), (3) the cool down temperature (claim 14), (4) the precise temperature of the heating step (claim 16), and (5) the anti-slip property (claim 9).

Miller teaches that it is desirable to form non-skid coatings on various surfaces. Column 1, lines 10-25. Miller teaches that a surface is provided with a resin surface (that is the vinyl of the tile) in a softened (heated) form. Column 1, lines 10-25. Then a coating of grit particles is applied to the surface. Column 1, lines 10-25. The particles are then embedded into the surface to provide non-skid characteristics. Column 1, lines 10-25.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '545 to (1) use sand as the filler or particulate material with an expectation of desirable coating and product results, because '545 teaches using filler or particulate material, and that such filler or particulate material can be silica, and it is well known that sand is primarily silica material. (2) It would further have been obvious to modify '545 to use the same type of resin in steps (a) and

(c) with an expectation of desirable coating and product results, because '545 teaches that the resin of step (a) can be polyester or other resins (column 4, lines 5-15) and that the resin of step (c) can be selected from a variety of compounds (column 2, lines 55-60 and column 6, lines 15-20), and one of ordinary skill in the art would understand that the resins could be either the same or different based on the product desired given the wide ranges taught. (3) It would further have been obvious to perform routine experimentation to optimize '545 to find the optimum cool down temperature at which the resin/filler coating is applied given the teaching by '545 of using a range of temperatures in the first oven and to control to provide only a partial cure, which would vary based on the resin material used (column 4, lines 30-55). (4) It would further have been obvious to perform routine experimentation to optimize '545 to select the optimum temperature of the curing in the second oven from the range given the teaching by '545. (5) It further would have been obvious to modify '545 to use the particle application to apply a coating with anti-slip properties as suggested by Miller with an expectation of providing a desirable coated surface, because '545 teaches a method of providing a desirable particle on resin coating on a surface, and Miller teaches that particles can be applied to a resin surface and then embedded to provide desirable anti-skid properties on a surface.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over '545 in view of Toth as applied to claims 1-2, 5 and 7-8 above, and further in view of Holmes (US 4243719).

'545 in view of Toth teaches all the features of this claim except that the vapors are drawn off.

However, Holmes teaches providing resin/glass laminates. Column 1, lines 1-10. When performing coating with a liquid resin material that is heated and cross linked in an oven to a temperature of 80 to 230 degrees C, Holmes teaches to provide for provision to vent or remove organic vapors thus produced. Column 8, line 25 through column 9, line 25.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '545 in view of Toth to draw off vapors which emerge during the process as suggested by Holmes to provide for removal of toxic fumes, because '545 in view of Toth teaches a process whereby resins are applied and heated, and Holmes teaches that it is well known to remove organic vapors from heated resins in coating processes.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over '545 in view of Miller as applied to claims 9-11, 14 and 16-17 above, and further in view of Holmes (US 4243719).

'545 in view of Miller teaches all the features of this claim except that the vapors are drawn off.

However, Holmes teaches providing resin/glass laminates. Column 1, lines 1-10. When performing coating with a liquid resin material that is heated and cross linked in an oven to a temperature of 80 to 230 degrees C, Holmes teaches to provide for provision to vent or remove organic vapors thus produced. Column 8, line 25 through column 9, line 25.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '545 in view of Miller to draw off vapors which emerge during the process as suggested by Holmes to provide for removal of toxic fumes, because '545 in view of Miller teaches a process whereby resins are applied and heated, and Holmes teaches that it is well known to remove organic vapors from heated resins in coating processes.

13. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over '545 in view of Toth as applied to claims 1-2, 5 and 7-8 above, and further in view of Conard (US 3980610).

'545 in view of Toth teaches all the features of this claim except the use of the radical donors.

However, Conard teaches providing polyester resins that can have glass fiber incorporated. Column 1, lines 25-30 and column 2, lines 20-25. Such resins are taught as

conventionally being provided with a curing agent such as peroxide that provides radical donors and heated to cure. Column 2, lines 50-68..

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '545 in view of Toth to use a peroxide curing agent as suggested by Conard so as to provide a desirable curing, because '545 in view of Toth teaches a process whereby resins, such as polyester, are applied and heated to cure, and Conard teaches that when curing polyester resins, it is well known to use a peroxide curing agent for improved curing.

14. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over '545 in view of Miller as applied to claims 9-11, 14 and 16-17 above, and further in view of Conard (US 3980610).

'545 in view of Miller teaches all the features of this claim except the use of the radical donors.

However, Conard teaches providing polyester resins that can have glass fiber incorporated. Column 1, lines 25-30 and column2, lines 20-25. Such resins are taught as conventionally being provided with a curing agent such as peroxide that provides radical donors and heated to cure. Column 2, lines 50-68..

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '545 in view of Miller to use a peroxide curing agent as suggested by Conard so as to provide a desirable curing, because '545 in view of Miller

teaches a process whereby resins, such as polyester, are applied and heated to cure, and Conard teaches that when curing polyester resins, it is well known to use a peroxide curing agent for improved curing.

15. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over '545 in view of Toth as applied to claims 1-2, 5 and 7-8 above, and further in view of Van Dyck et al (US 3929545).

'545 in view of Toth teaches all the features of this claim except using a cooling fluid to accelerate the cooling down process in step b).

However, Van Dyck teaches a process where a resin is applied to a substrate, then partially cured before further processing occurs in a continuous manufacturing process. Column 2, lines 30-45, column 6, lines 15-20 and column 7, lines 20-25. Van Dyck provides that after partial curing in an oven, the coated sheet can pass out of the oven and be subject to optional forced air cooling, before further processing occurs. Column 10, lines 35-55.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '545 in view of Toth to use forced air cooling as suggested by Van Dyck so as to provide a desirable and efficient coating process, because '545 in view of Toth teaches a process <sup>of</sup> a partial curing an applied resin material on a base material and then further processing, and Van Dyck teaches that when providing partial curing of an applied resin material on a base material and then further

processing it is well known that forced air cooling can be used before the next process steps.

- 103 16. Claim <sup>15</sup> A is rejected under 35 U.S.C. 103(a) as being unpatentable over '545 in view of Miller as applied to claims 9-11, 14 and 16-17 above, and further in view of Van Dyck et al (US 3929545).

'545 in view of Miller teaches all the features of this claim except using a cooling fluid to accelerate the cooling down process in step b).

However, Van Dyck teaches a process where a resin is applied to a substrate, then partially cured before further processing occurs in a continuous manufacturing process. Column 2, lines 30-45, column 6, lines 15-20 and column 7, lines 20-25. Van Dyck provides that after partial curing in an oven, the coated sheet can pass out of the oven and be subject to optional forced air cooling, before further processing occurs. Column 10, lines 35-55.

103 It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '545 in view of Miller to use forced air cooling as suggested by Van Dyck so as to provide a desirable and efficient coating process, because '545 in view of Miller teaches a process <sup>of</sup> A partial curing an applied resin material on a base material and then further processing, and Van Dyck teaches that when providing partial curing of an applied resin material on a base material and then

further processing it is well known that forced air cooling can be used before the next process steps.

*Response to Arguments*

17. Applicant's arguments filed October 17, 2005 have been fully considered but they are not persuasive.

(1) As to the combination of '545 and Toth, the Examiner has reviewed applicant's arguments at pages 5-6 of the amendment, however, the rejection is maintained. In response to applicant's argument that Toth is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Toth is clearly reasonably pertinent to the particular problem with which applicant was concerned, the application of resin/particle mixtures to form anti-slip coatings. As to the combining of Toth and '545, while '545 teaches making glass fiber reinforced resin plates, '545 teaches that such "large sheets of composite material" can be used for a wide variety of processes, including construction purposes, such as patio covers, carports, storage sheds, truck liners, cabanas, fences etc. See column 1, lines 15-25. Thus, '545 forms "target materials" (or structural substrate elements) with coatings that would be used directly for construction purposes. Toth similarly provides coatings on

target materials (or structural substrate elements) to be used directly for construction purposes, such as tennis courts, floor panels, fencing, etc. See column 1, lines 10-25 and column 2, lines 55-65. Both references show how the process can be done under moving conveyor assembly type conditions (see Figures 5 and 7 of '545 and Figure 1D of Toth). While '545 shows forming the structural substrate element of the glass fiber reinforced resin plate as part of the assembly line structure and Toth uses a different base substrate element that has different pretreatment steps, this does not negate that both references then indicate a desirable coating process for coating the surface of the element to provide a composite material for construction purposes. While applicant argues that '545 teaches adding uncured materials and Toth teaches the addition of cured materials, the Examiner notes that both references provide post curing after the application of the resin/particle mixture and Toth describes the applied resin/particle mixture as "uncured" prior to the post application heating. See Toth, column 3, lines 60-65.

(2) As to the acceleration of the cool down step of claim 6, the Examiner has cited the new reference to Van Dyck as to this issue.

(3) As to the combination of '545 in view of Miller, the Examiner has reviewed applicant's arguments at pages 6-7 of the amendment, however, the rejection is maintained. In response to applicant's argument that Miller is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed

invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Miller is clearly reasonably pertinent to the particular problem with which applicant was concerned, the application of particles to resin layers to form anti-slip coatings. As to the combining of Miller and '545, the Examiner notes that applicant is referring to the process of Miller described at column 2, line 25-40. However, in the rejection, as noted by the citations to column 1, lines 10-25, the Examiner was citing what Miller teaches in the "Description of the Prior Art" which provides a process applying grit to softened resin tiles to provide a non-slip surface.

✓ (4) As to the acceleration of the cool down step of claim <sup>15</sup> 6, the Examiner has cited the new reference to Van Dyck as to this issue.

(5) As to new claims 20 and 21, please note the *Claim Objections* and *Claim Rejections - 35 USC § 112* sections above, as to the issues with these claims.

### *Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine A. Bareford whose telephone number is (571) 272-1413. The examiner can normally be reached on M-F(6:00-3:30) with the First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and for After Final communications.

Other inquiries can be directed to the Tech Center 1700 telephone number at (571) 272-1700.

Art Unit: 1762

Furthermore, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
KATHERINE BAREFORD  
PRIMARY EXAMINER